



Case Nos.: 01CW1136423; 06FF0358225

IN THE CROWN COURT AT SOUTHWARK

26 October 2026

BEFORE:

HIS HONOUR JUDGE BAUMGARTNER
THE HON. RECORDER OF WESTMINSTER

BETWEEN:

REX

- v -

(1) CHRIS BROWN
(2) OMOLOLU AKINLOLU

Defendants

SENTENCING REMARKS

Heidi Stonecliffe KC (instructed by the **Crown Prosecution Service**) for the **Prosecution**
Sallie Bennett-Jenkins KC with **Grace Forbes** (instructed by **Hickman & Rose**) for the
First Defendant
Laurie-Anne Power KC (instructed by **Kingsley Napley LLP**) for the **Second Defendant**

1. Chris Brown and Omololu Akinlolu, you may remain seated for the moment. I shall ask you to stand when I come to pass sentence.
2. I must sentence you today following your guilty pleas to a single count of affray, contrary to s.3 of the Public Order Act 1986 (the **"1986 Act"**), following an altercation with Abraham Diaw at the Tape nightclub in Mayfair, London, on 19 February 2023 which, in all, lasted no more than 20 seconds.
3. The maximum sentence upon conviction on indictment is three years' imprisonment, a fine, or both.
4. You had each previously been sent by the Magistrates' Court in custody to this Court for trial on a single count of unlawfully and maliciously causing grievous bodily harm, with intent to cause grievous bodily harm, contrary to s.18 of the Offences Against the Person Act 1861 (the **"1861 Act"**). At the Plea and Trial Preparation Hearing on 20 June 2025, you were arraigned on an Indictment containing two counts: attempting to cause grievous bodily harm, contrary to s.1(1) of the Criminal Attempts Act 1981, and, in the alternative, assault occasioning actual bodily harm, contrary to s.47 of the 1861 Act. You each

pleaded not guilty to attempting to cause grievous bodily harm. While Diaw initially provided an account and a statement to police, he withdrew his support for the prosecution on 27 May 2025. At a Further Case Management Hearing on 11 July 2025, you each pleaded not guilty to assault occasioning actual bodily harm. You, Brown, pleaded not guilty to a further count of having an offensive weapon in a public place, contrary to s.1(1) of the Prevention of Crime Act 1953.

5. On 24 July 2026, this count of affray was added to the Indictment and, upon arraignment, you each pleaded guilty.
6. I have considered carefully the Prosecution sentencing note, the detailed sentencing notes prepared on behalf of each of you, the Pre-Sentence Reports and the other material placed before me, together with the submissions I heard today. I have also viewed the CCTV footage. Where there has been any difference between the parties as to what occurred, I have based my findings principally upon the CCTV footage and have made only those adverse findings of fact of which I am sure.
7. The facts are these.

FACTS

8. In the early hours of 19 February 2023, at Tape nightclub in Mayfair, you were in its VIP area, known as Little Tape. This was a confined and crowded nightclub environment, with a significant number of other people nearby.
9. At about 3am, Abraham Diaw was standing with his back to the bar.
10. Chris Brown, you walked through the crowd towards him. Omololu Akinlolu was behind you.
11. You, Brown, were holding a tequila bottle in your right hand. When you reached Diaw, you struck him twice with that bottle to the left side of his head while holding his hood.
12. As Diaw turned away, you struck him with the bottle to the shoulder. You then raised the bottle and brought it down in an attempt to strike him for a fourth time.
13. The repeated use of a glass bottle in that way, particularly when directed towards the head, was plainly dangerous. It carried the risk of causing significantly more serious injury than was ultimately sustained.
14. You, Akinlolu, did not initiate the violence and did not possess or use the bottle. I accept that you joined the affray only after the first bottle strike.
15. You nevertheless became an active participant. You threw punches towards Diaw, including towards the back of his head, and pursued him as he moved away.
16. The violence then moved through the doorway from the bar area towards the recording booths and corridor. You both pursued Diaw.
17. Akinlolu, you were immediately behind Diaw and were holding his clothing. He fell to the ground.

18. Brown, you continued to throw punches in his direction.
19. Akinlolu, the CCTV footage also shows a kick being directed towards Diaw while he was on the ground. I have considered that evidence carefully. I am satisfied so that I am sure that the kicking foot was yours. I therefore sentence you on the basis that, after Diaw had fallen, you kicked towards him.
20. The CCTV footage also shows Brown having to be physically pulled away and thereafter attempting to get back towards Diaw.
21. The entire incident was short. From the first bottle strike until Diaw was pulled into the side room, it lasted no more than about 20 seconds. That brevity is relevant, but the violence during that short period was intense.
22. This was not planned violence. Nor do I find that you had agreed beforehand to attack Diaw. Akinlolu joined after the violence had begun.
23. It was nevertheless serious violence by two people in a crowded nightclub. It continued as Diaw attempted to move away and, in Akinlolu's case, after Diaw had fallen to the ground.
24. I take account of the explanations advanced on behalf of each of you.
25. Brown, it is said that you were uncomfortable about Diaw's presence and believed that he presented some form of threat.
26. Akinlolu, your case is that, when you became involved, you believed that your friend was being attacked and that your initial motivation was to defend him.
27. Those matters provide some context. They do not justify the violence which followed.
28. In particular, whatever Akinlolu initially perceived, his conduct in joining the violence, pursuing Diaw and kicking towards him after he had fallen went beyond any proper attempt to protect another person.
29. Diaw attended St Mary's Hospital shortly after the incident. He was recorded as presenting with a head injury or head trauma, together with musculoskeletal problems.
30. There was tenderness around the cervical spine, abdominal tenderness, and tenderness and reduced movement of the left knee. A CT scan disclosed no abnormality. He was discharged with crutches and pain relief.
31. After returning to Italy, Diaw continued to complain of headache and pain in his leg. An X-ray disclosed no fracture. An MRI on 1 March 2023 disclosed a high-grade ligament injury to the left knee. The medical evidence relied upon by the Prosecution was that the injury was consistent with the incident, although no prognosis could be given.
32. I bear in mind, however, the Defence submissions concerning Diaw's pre-existing condition and the limitations of the available medical evidence. The fact that an injury is consistent with the incident does not, without more, establish the extent to which it was caused by it. I shall not sentence either of you on the basis of any injury or long-term consequence which I cannot be sure was caused by this offending.

33. Harm is not limited to the physical injury ultimately proved. This violence involved the repeated use of a bottle, punches and a kick towards a person on the ground. It took place in a confined and crowded nightclub with other people in close proximity. There was an obvious risk of further injury and of alarm to those nearby.

SENTENCING GUIDELINE

34. I turn to the definitive Sentencing Guideline for Affray. I must assess separately the culpability and harm of each of you.

Chris Brown

Culpability

35. Chris Brown, there is no dispute that your culpability falls within Category A because you used the bottle as a weapon.

Harm

36. I place the offence in Harm Category 2.
37. Diaw sustained injury, although I adopt the cautious approach to its extent and causation which I have already explained. The offending also created an obvious risk of more serious injury, both to Diaw and to others nearby.
38. A Category A2 offence has a starting point of one year's custody, with a category range of 26 weeks to 18 months' custody.
39. Your offending was materially more serious than that of your co-defendant.
40. You initiated the physical violence. You repeatedly used a glass bottle as a weapon, including striking Diaw twice to the head. You continued the violence as he moved away and, after others intervened, you had to be physically pulled away.

Aggravating factors

41. I take care not to count the same feature twice. The use of the bottle is a feature which places the offence in Culpability Category A. I do not separately aggravate your offending merely because a weapon was used.
42. Equally, because I have taken the crowded and confined location into account in assessing harm, I do not treat that same feature again as a freestanding aggravating factor.
43. You played the leading role in the joint offending. I take that into account, while ensuring that I do not count again the individual features of your conduct which I have already identified.
44. You have two previous convictions involving violence, dating from 2009 and 2013. They are relevant because of their nature, but they are now old. I consider that their aggravating weight has substantially diminished with the passage of time. I do not treat you as someone who has persistently offended during the intervening years.

Mitigating factors

45. Against those matters, there is substantial mitigation.
46. First, this was not planned violence and the incident itself was short-lived.
47. Second, I take account of the substantial period which has elapsed since the offence. I do not treat the whole of that period as mitigating delay attributable to the Prosecution. The Prosecution's note records that you left the United Kingdom after the incident and returned in May 2025.
48. I do, however, take account of the length of time for which these proceedings have been hanging over you, the lengthy period during which you have been subject to stringent bail conditions, and your compliance with those conditions.
49. You are 37 years old. At the time of this offending, you were 33.
50. You are the father of four children, including a very young child. I have considered the material concerning your relationship with your children, the responsibilities which you bear towards them (about which I have read with care), and the impact which an immediate custodial sentence would have upon them.
51. I take account of your employment and long-established career in music. Your fame, commercial success and professional standing do not entitle you to any special treatment. The law applies equally to everyone.
52. What is relevant is your record of stable employment, your responsibilities to others and the evidence concerning your charitable activities and contributions over a substantial period, including work directed towards young people and charitable organisations. I have given those matters appropriate weight as personal mitigation.
53. I have also considered the assessment contained in the Pre-Sentence Report that your risk of further offending is low.

Omololu Akinlolu

Culpability

54. Omololu Akinlolu, your culpability is appreciably lower than that of Brown.
55. The Prosecution accepts that you did not possess or use the bottle and that you joined the affray after the first bottle strike. Your violence consisted of punches and the kick which I have found proved.
56. I assess your culpability as Category B.

Harm

57. I assess the harm as Category 2. Diaw sustained injury during the affray, although I adopt the cautious approach to its extent and causation which I have already explained. Your participation included punches, pursuit and a kick directed towards him while he was on

the ground. The offending took place in a crowded and confined environment and created a risk of further injury and alarm to others.

58. A Category B2 offence has a starting point of 26 weeks' custody, with a category range of a medium-level community order to one year's custody.
59. I take account of the fact that you did not initiate the incident, used no weapon and joined only after the violence had begun. Those are important distinctions between your conduct and that of Brown.
60. Your role was nevertheless significant. You did not merely stand by. You joined in the violence, threw punches, pursued Diaw as he moved away and kicked towards him after he had fallen.
61. The pursuit, the continued violence as Diaw attempted to move away and, in particular, the kick directed towards him after he had fallen make this materially more serious than an offence at the Category B2 starting point. Those features require a substantial upward adjustment, although your lesser role, lack of any weapon and the context in which you initially became involved mean that your sentence must remain distinctly below that imposed upon Brown. The offence nevertheless remains within the Category B2 range.

Aggravating factors

62. I have considered carefully the material concerning the 2019 proceedings in Florida and the defence submissions concerning the legal status of the *nolo contendere* disposition.
63. On the material before me, I do not treat the 2019 matter as a previous conviction which aggravates the present offence. I need make no wider finding about its status.

Mitigating factors

64. I take account of your explanation that you initially believed that your friend was under attack. The Pre-Sentence Report records your account that you acted rashly because you wanted to protect your friend, together with your regret and remorse.
65. That provides some mitigation and relevant context. But whatever you initially perceived, your subsequent conduct went beyond any proper attempt to defend another person.
66. There is substantial personal mitigation.
67. The Pre-Sentence Report records your remorse, your description of your conduct as "*stupid*", and the assessment that this was an isolated incident in which you acted rashly. It also records the assessment that you have matured since the offence and that your regret and remorse are genuine.
68. I take account of your substantial career within the music industry. As I have said in relation to Brown, professional or commercial success does not attract preferential treatment.
69. Your employment, stability and responsibilities to others are, however, relevant matters of personal mitigation.

70. I have also considered the difficult experiences earlier in your life described in the material before me. I make no finding which the evidence does not establish, but I take those matters into account as part of your personal history insofar as they are relevant to the overall sentencing assessment.
71. You are 40 years old. At the time of this offending, you were 36.
72. You are the father of two young children and are expecting a third child with your partner. I have considered the practical, emotional and financial support which you provide to your family (about which I have read with care) and the effect that immediate imprisonment would have upon them.

Reduction for guilty pleas

73. I next consider the reduction to which each of you is entitled for your guilty plea.
74. The relevant question is when an unequivocal indication of guilty plea was first given, applying the Sentencing Council Guideline on Reduction in Sentence for a Guilty Plea.
75. The count of affray was added to the Indictment on 24 July 2026 following discussions between the parties. You both pleaded guilty to that count when you were first arraigned upon it.
76. I am satisfied that this was the first stage at which you were required to indicate a plea to affray and that each plea was entered at the first reasonable opportunity.
77. I therefore allow each of you the maximum reduction of one-third.

ANCILLARY ORDERS

78. I have considered whether to make an order for compensation.
79. The Prosecution's earlier sentencing note indicated that further medical material was being obtained from Italy and that an application for compensation might subsequently be made. No application was ultimately made. I have nevertheless considered whether a compensation order should be made, but I make no such order.
80. There remain unresolved issues concerning the extent and causation of the knee injury and the long-term consequences, if any, of that injury. In those circumstances, I do not consider that I have a sufficiently secure evidential basis upon which fairly to quantify a compensation order within this sentencing exercise.

SENTENCES

81. Chris Brown and Omololu Akinlolu, please stand.
82. Violence of this kind in a crowded nightclub is serious. It creates an obvious risk not merely to the person against whom it is directed but also to others nearby.
83. Chris Brown, the repeated use of a glass bottle against the head made your conduct particularly dangerous.

84. Omololu Akinlolu, although you neither initiated the incident nor used a weapon, you made a deliberate decision to join the violence. You pursued Diaw and kicked towards him after he had fallen.
85. I must nevertheless sentence each of you individually and proportionately for the particular offence to which you have pleaded guilty.
86. I have taken account of the differences between your respective roles, everything that has been said on your behalf, the contents of the Pre-Sentence Reports and the substantial personal mitigation available to each of you.
87. Brown, in your case the custody threshold is plainly crossed. Neither a fine nor a community sentence could properly reflect the seriousness of repeated violence involving the use of a glass bottle as a weapon against the head.
88. Akinlolu, you fall within a lower culpability category and did not use a weapon. You nevertheless deliberately joined an incident of serious violence, threw punches, pursued Diaw as he attempted to move away and kicked towards him after he had fallen. I am satisfied that, notwithstanding the substantial mitigation, your offence is also sufficiently serious that neither a fine nor a community sentence can be justified.
89. The custody threshold is therefore crossed in each case. The fact that the threshold is crossed does not, however, determine either the appropriate length of the custodial sentences or whether they must take immediate effect. I must impose in each case the shortest custodial term commensurate with the seriousness of the offence.

Chris Brown

90. Chris Brown, the Guideline starting point is 12 months' custody. Your initiation of the violence, the repeated bottle strikes, your further attempted strike and your continuation of the attack as Diaw attempted to move away require an upward movement from that starting point.
91. I have balanced those features against the absence of planning, the short duration of the incident, the age of your previous convictions and the substantial personal mitigation which I have identified. The appropriate sentence following a contested trial is 12 months' imprisonment.
92. Applying the reduction of one-third produces a sentence of eight months' imprisonment.

Omololu Akinlolu

93. Omololu Akinlolu, the Guideline starting point is 26 weeks' custody. Your active participation, pursuit of Diaw and the kick towards him after he had fallen require a significant upward movement from that starting point.
94. I balance those matters against your materially lesser culpability, the fact that you joined only after the violence had begun, your lack of any weapon, the context in which you initially became involved, and the substantial personal mitigation available to you. The appropriate sentence following a contested trial is six months' imprisonment.
95. Applying the reduction of one-third produces a sentence of four months' imprisonment.

96. These sentences are the shortest custodial sentences which, in my judgment, are commensurate with the seriousness of your respective offences.
97. Each sentence is one of 12 months or less. By law, I am required to suspend each custodial sentence unless you are an excluded offender or I am satisfied that exceptional circumstances relating to the offence or the offender justify an immediate custodial sentence.
98. Neither of you is an excluded offender.
99. I have considered separately in relation to each of you whether exceptional circumstances justify immediate imprisonment. This was serious public violence.
100. In your case, Brown, it involved the repeated use of a bottle as a weapon, including twice striking Diaw to the head.
101. In your case, Akinlolu, it involved voluntarily joining violence which was already under way, pursuing Diaw and kicking towards him after he had fallen.
102. Against those matters, I take account of the short duration of the incident, the absence of planning, the period which has elapsed since the offence, your compliance with bail, your guilty pleas, your family responsibilities, the substantial personal mitigation available to each of you and the material bearing upon the risk of further offending.
103. I have considered whether the seriousness of the offending, taken together with the need for punishment and deterrence, amounts to exceptional circumstances requiring immediate imprisonment. I have concluded, in relation to each of you, that it does not. These were serious offences deserving of custodial sentences, but the circumstances do not justify displacing the statutory requirement that those sentences be suspended.
104. The seriousness of your offending, Brown, including the repeated use of the bottle, and the need for the suspended sentence to retain an effective deterrent force require an operational period of 12 months.
105. Accordingly, Brown, your sentence of eight months' imprisonment will be suspended for 12 months. You have spent time on remand in custody. That period does not reduce the suspended custodial term I impose today, but it will count automatically if the sentence is subsequently brought into operation.
106. Akinlolu, your sentence of four months' imprisonment will also be suspended for 12 months. The days which you spent on remand in custody do not reduce the suspended custodial term I impose today, but they will count automatically if the sentence is subsequently brought into operation.
107. I have considered the Pre-Sentence Reports and whether it is necessary or proportionate to attach any requirements to either order. In light of the assessments of risk, your personal circumstances and the sentence as a whole, I do not consider that additional requirements are necessary or proportionate. Be in no doubt, however: a suspended sentence order is a custodial sentence; the imposition of such an order is itself a punishment, with or without requirements.

108. Each of you must understand the effect of a suspended sentence. If you commit another offence during the operational period, you will be brought back before the Court. The Court will ordinarily be required to bring the suspended sentence into operation, either in full or in part, unless it would be unjust to do so.
109. The Prosecution applies for its costs. Having considered the amount sought and the information before me concerning your respective financial circumstances, I am satisfied that it is proportionate and within the means of each defendant to order each of you to pay £1,500 towards the Prosecution's costs. Each sum must be paid within one month.
110. You must also pay the statutory surcharge applicable to your case.